

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

DR. KRIS WHITEHEAD

PLAINTIFF

V.

NO. 1:23-CV-92-DMB-RP

UROLOGY P.A., et al.

DEFENDANTS

ORDER

October 1, 2024, was the deadline for dispositive motions. Doc. #82. On October 1, Nail McKinney, P.A., filed a “Motion for Summary Judgment,” Doc. #110; an “Itemization of Undisputed Material Facts,” Doc. #111; and a “Memorandum in Support of Motion for Summary Judgment,” Doc. #112. The next day, Nail McKinney filed an “Amended Motion for Summary Judgment,” Doc. #114; an “Amended Itemization of Undisputed Material Facts,” Doc. #115; and an “Amended Memorandum in Support of Motion for Summary Judgment,” Doc. #116.

Neither this Court’s Local Rules nor the Federal Rules of Civil Procedure contemplate or authorize the filing of a separate itemization of facts. L.U. Civ. R. 7(b)(4); *Lewis v. City of Southaven*, No. 3:23-cv-336, 2024 WL 628006, at *1 (N.D. Miss. Feb. 14, 2024); *Automation Design & Sols., Inc. v. Yeliseyev*, No. 3:08-cv-589, 2012 WL 12974010, at *4 (S.D. Miss. Feb. 29, 2012). Such filings provide an avenue for circumventing the page limits imposed by the Local Rules. *See Landrum v. Conseco Life Ins. Co.*, No. 1:12-cv-5, 2013 WL 6019303, at *15 (S.D. Miss. Nov. 13, 2013) (statement of facts in motion deemed attempt to circumvent page limits).

Because Nail McKinney’s October 1 “Itemization of Undisputed Material Facts” should have been incorporated in its October 1 “Memorandum in Support of Motion for Summary Judgment,” the “Itemization of Undisputed Material Facts” [111] is **STRICKEN** and the “Motion for Summary Judgment” [110] is **DENIED without prejudice**. Because Nail McKinney’s

October 2 “Amended Motion for Summary Judgment” is untimely, the “Amended Motion for Summary Judgment” [114] is **STRICKEN**.¹ Within seven days of the entry of this order, Nail McKinney may refile its October 1 motion for summary judgment and memorandum brief in accordance with the Court’s procedural rules. If refiled, the motion for summary judgment and memorandum brief may not include any new basis for summary judgment, new or different exhibits, or new legal argument.

SO ORDERED, this 9th day of October, 2024.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ Alternatively, the “Amended Itemization of Undisputed Material Facts,” Doc. #115, is stricken and the “Amended Motion for Summary Judgment,” Doc. #114, is denied.